

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

Applicant/Contact name and address: YC Properties LLC

1050 Satcom Lane

1. Melbourne, FL 32940

2. Type of action: Application to Change a Water Right No. 76H – 30148404

3. Water source name: Groundwater

4. Location affected by project: SWSNW of Section 35, T6N, R21W, Ravalli County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

Applicant is relocating a reservoir from the NWNWNE of Section 35 to a new location in the SENENW of Section 35. The relocated reservoir will be 0.59 surface acres and have a capacity of 2.36 acre-feet. The Applicant is also reconfiguring an existing reservoir to reduce the surface area from 3.5 acres to 3.0 acres to have a capacity of 28.5 AF. Two existing wells divert water through an existing 6" pipe to the reservoirs to augment irrigation of 96.6-acre place of use. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality

Species of Concern
2005 Dewatered Stream List
303(d) list of impaired streams

Part II. Environmental Review**1. Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: No impact – the source is groundwater

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: No impact – the source is groundwater

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: No impact - The Applicant is not increasing the historical flow rate from the existing wells, therefore they will not be impacts on quality or supply to groundwater or adjacent surface water flows.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: No impact - The wells are existing and have been functional for decades. The relocation of the reservoir will not impact any channel impacts, flow modifications, barriers, riparian areas, dams or well construction as the reservoir will be created through excavation of materials and there is no dam controlling the impoundment of water.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any “species of special concern,” or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or “species of special concern.”

Determination: No significant impact – A report from the Montana Natural Heritage Program indicates there is one species of special concern, the Bald Eagle, within the general area of the project. The following species were identified as species of concern:

Lewis's Woodpecker, Bald Eagle, Pileated Woodpecker, Evening Grosbeak, Cassin's Finch, Great Blue Heron, Clark's Nutcracker, Bobolink, Harlequin Duck, Brown Creeper, Pacific Wren, Bull Trout, Westslope Cutthroat Trout, Suckley Cuckoo Bumble Bee, Townsend's Big-eared Bat, Long-eared Myotis, Little Brown Myotis, Long-legged Myotis, Western Skink.

Since the proposed project is within an existing irrigated field, it is expected that no disturbances to plant species will occur.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: No impact - The proposed project does not create or impact any wetlands

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: No significant impact - The proposed 0.59 surface acre and existing 3-surface acre reservoir may potentially provide additional habitat for wildlife or waterfowl. The reservoirs will be used to store water for irrigation and provide stock water.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: No significant impact - Soils at the 96.6-acre place of use have been irrigated from groundwater by this water right since 1989 and will not be further degraded or altered through continued irrigation. Soils at the place of use are no saline and thus, unlikely to be susceptible to saline seep.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: No impact - The 0.59-surface acre and 3-surface acre reservoir and remaining 96.6-acres of irrigation are all within the historical place of use. Continued irrigation will reduce the opportunity for noxious weed invasion as crops are maintained.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: No significant impact - Deterioration of air quality and/or adverse effects on vegetation due to increased air pollutants is not expected. Water will be diverted from the reservoir using an electric motor and therefore, emissions and/or increased noise levels associated with irrigation from the reservoir will be minimal.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

Determination: No impact - N/A – project not located on State or Federal Lands.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: No impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: No impact - The Department finds no locally adopted environmental plans or goals relevant to the requested change.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: No impact - The proposed project will not inhibit, alter or impair access to the present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: No impact

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No **XX**___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? None identified
- (b) Local and state tax base and tax revenues? None identified
- (c) Existing land uses? None identified
- (d) Quantity and distribution of employment? None identified

(e) Distribution and density of population and housing? None identified

(f) Demands for government services? None identified

(g) Industrial and commercial activity? None identified

(h) Utilities? None identified

(i) Transportation? None identified

(j) Safety? None identified

(k) Other appropriate social and economic circumstances?

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts None identified

Cumulative Impacts None identified

3. Describe any mitigation/stipulation measures:

No reasonable alternatives were identified in the EA.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider: No alternative identified.

PART III. Conclusion

1. Preferred Alternative As proposed

2. Comments and Responses N/A

3. Finding:

Yes___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EA is the appropriate level of analysis for this proposed action because no significant impacts have been identified as a result of the proposed action.

Name of person(s) responsible for preparation of EA:

Name: Kathy Schubert

Title: Water Resource Specialist

Date: 1/31/2023